INDEX TO VOLUME 34

AUTHOR INDEX TO ARTICLES, COMMENTS, ESSAYS AND NOTES

ANDERIES, SHANE: Mandatory Arbitration Clauses in Individual Employment Contracts After *Duffield v. Robertson Stephens & Co.*: A Note on *Armendariz v. Foundation Health Psychcare Services, Inc.* 705

BARTOW, ANN: Our Data, Ourselves: Privacy, Propertization, and Gender 633

CAIN, PATRICIA A.: Heterosexual Privilege and the Internal Revenue Code 465

CALLEROS, CHARLES R.: *Aguilar v. Avis Rent A Car System, Inc.*: The California Supreme Court Takes a Divided Freeway to Content-Oriented Regulation of Workplace Speech 237

DAVIS, KEVIN: Fair Use on the Internet: A Fine Line Between Fair and Foul 129

DOLAN, TIMOTHY: Fixed Anchors and the Wilderness Act: Is the Adventure Over? 355

GOSSE, ELIZABETH R.: *Recording Industry Association of America v. Diamond Multimedia Systems, Inc.*: The RIAA Could Not Stop the Rio—MP3 Files and the Audio Home Recording Act 575

HARRIS, ANGELA P.: Introduction: A Tribute to Professor Stephanie M. Wildman 409

HORSBURGH, BEVERLY: The Voices of Silence: Cognition, Culture, and Racism 497

JOHNSON, CATHERINE P.: The California Backlash Against Bilingual Education: *Valeria G. v. Wilson* and Proposition 227 169

JONES, MARYANN: And Miles To Go Before I Sleep: The Road to Gender Equity in the California Legal Profession 1

LOMAS, KATHLEEN A.: Bad Physics and Bad Law: A Review of the Constitutionality of Thermal Imagery Surveillance After *United States v. Elkins* 799

MARGOLIS, ELLIE: Beyond Brandeis: Exploring the Uses of Non-Legal Materials in Appellate Briefs 197

NAUGHTON, ELIZABETH: San Francisco's Owner Move-In Legislation: Rent Control or Out of Control? 537

NIEDWIECKI, ANTHONY S.: Science Fact or Science Fiction? The Implications of Court-Ordered Genetic Testing Under Rule 35 295

PECKRON, HAROLD S.: Reparation Payments—An Exclusion Revisited 705

PICKLES, TODD: *People v. Welch*: A Missed Opportunity to Establish a Rational Rule of Competency to Waive the Assistance of Counsel 603
POTTER, LORI: Failure to Disclose HMO Incentives and the Breach of Fiduciary Duty: Is a New Cause of Action Against Physicians the Best Solution? 733
POWELL, JOHN A.: Whites Will Be Whites: The Failure to Interrogate Racial Privilege 419
SCHRIWER, TANIA: Establishing an Affirmative Governmental Duty to Protect Children's Rights: The European Court of Human Rights as a Model for the United States Supreme Court 379
THORNE, SHANNON: One Strike and You're Out: "Double-Counting" and Dual Use Undermines the Purpose of California's Three Strikes Law 99
VITIELLO, MICHAEL: How Imperial Is the Supreme Court? An Analysis of Supreme Court Abortion Doctrine and Popular Will ... 49
WELLS, CATHARINE PIERCE: The Perils of Race and Gender in a World of Legal Abstraction 523

TITLE INDEX TO ARTICLES, COMMENTS, ESSAYS AND NOTES

Aguilar v. Avis Rent A Car System, Inc.: The California Supreme Court Takes a Divided Freeway to Content-Oriented Regulation of Workplace Speech. By *Charles R. Calleros* 237

And Miles To Go Before I Sleep: The Road to Gender Equity in the California Legal Profession. By *Maryann Jones* 1

Bad Physics and Bad Law: A Review of the Constitutionality of Thermal Imagery Surveillance After *United States v. Elkins*. By *Kathleen A. Lomas* 799

Beyond Brandeis: Exploring the Uses of Non-Legal Materials in Appellate Briefs. By *Ellie Margolis* 197

Establishing an Affirmative Governmental Duty to Protect Children's Rights: The European Court of Human Rights as a Model for the United States Supreme Court. By *Tania Schriwer* 379

Failure to Disclose HMO Incentives and the Breach of Fiduciary Duty: Is a New Cause of Action Against Physicians the Best Solution? By *Lori Potter* 733

Fair Use on the Internet: A Fine Line Between Fair and Foul. By *Kevin Davis* 129

Fixed Anchors and the Wilderness Act: Is the Adventure Over? By *Timothy Dolan* 355

Heterosexual Privilege and the Internal Revenue Code. By *Patricia A. Cain* 465

How Imperial Is the Supreme Court? An Analysis of Supreme Court Abortion Doctrine and Popular Will. By *Michael Vitiello* 49

Introduction: A Tribute to Professor Stephanie M. Wildman. By *Angela P. Harris* 409

Mandatory Arbitration Clauses in Individual Employment Contracts After *Duffield v. Robertson Stephens & Co.*: A Note on *Armendariz v. Foundation Health Psychcare Services, Inc.* By *Shane Anderies* 765

One Strike and You're Out: "Double-Counting" and Dual Use Undermines the Purpose of California's Three Strikes Law. By *Shannon Thorne* 99

Our Data, Ourselves: Privacy, Propertization, and Gender. By *Ann Bartow* 633

People v. Welch: A Missed Opportunity to Establish a Rational Rule of Competency to Waive the Assistance of Counsel. By *Todd A. Pickles* 603

Recording Industry Association of America v. Diamond Multimedia Systems, Inc.: The RIAA Could Not Stop the Rio—

MP3 Files and the Audio Home Recording Act. By *Elizabeth R. Gosse* 575
Reparation Payments—An Exclusion Revisited. By *Harold S. Peckron* 705
San Francisco's Owner Move-In Legislation: Rent Control or Out of Control? By *Elizabeth Naughton* 537
Science Fact or Science Fiction? The Implications of Court-Ordered Genetic Testing Under Rule 35. By *Anthony S. Niedwiecki* 295
The California Backlash Against Bilingual Education: *Valeria G. v. Wilson* and Proposition 227. By *Catherine P. Johnson* .. 169
The Perils of Race and Gender in a World of Legal Abstraction. By *Catharine Pierce Wells* 523
The Voices of Silence: Cognition, Culture, and Racism. By *Beverly Horsburgh* 497
Whites Will Be Whites: The Failure to Interrogate Racial Privilege. By *john a. powell* 419

SUBJECT INDEX TO ARTICLES, COMMENTS, ESSAYS, AND NOTES

ABORTION

How Imperial Is the Supreme Court? An Analysis of Supreme Court Abortion Doctrine and Popular Will 49

ARBITRATION

Mandatory Arbitration Clauses in Individual Employment Contracts After *Duffield v. Robertson Stephens & Co.*: A Note on *Armendariz v. Foundation Health Psychcare Services, Inc.*..... 765

CHILDREN'S RIGHTS

Establishing an Affirmative Governmental Duty to Protect Children's Rights: The European Court of Human Rights as a Model for the United States Supreme Court 379

CIVIL PROCEDURE

Science Fact or Science Fiction? The Implications of Court-Ordered Genetic Testing Under Rule 35 295

CIVIL RIGHTS

The California Backlash Against Bilingual Education: *Valeria G. v. Wilson* and Proposition 227..... 169

Whites Will Be Whites: The Failure to Interrogate Racial Privilege 419

CONSTITUTIONAL LAW

Aguilar v. Avis Rent A Car System, Inc.: The California Supreme Court Takes a Divided Freeway to Content-Oriented Regulation of Workplace Speech 237

Bad Physics and Bad Law: A Review of the Constitutionality of Thermal Imagery Surveillance After *United States v. Elkins*.. 799

Establishing an Affirmative Governmental Duty to Protect Children's Rights: The European Court of Human Rights as a Model for the United States Supreme Court 379

How Imperial Is the Supreme Court? An Analysis of Supreme Court Abortion Doctrine and Popular Will 49

People v. Welch: A Missed Opportunity to Establish a Rational Rule of Competency to Waive the Assistance of Counsel... 603

COPYRIGHT

Fair Use on the Internet: A Fine Line Between Fair and Foul..... 129

Our Data, Ourselves: Privacy, Propertization, and Gender 633

Recording Industry Association of America v. Diamond Multimedia Systems, Inc.: The RIAA Could Not Stop the Rio—MP3 Files and the Audio Home Recording Act 575

COURTS

Establishing an Affirmative Governmental Duty to Protect Children's Rights: The European Court of Human Rights as a Model for the United States Supreme Court 379

How Imperial Is the Supreme Court? An Analysis of Supreme Court Abortion Doctrine and Popular Will 49

CRIMINAL LAW AND PROCEDURE

Bad Physics and Bad Law: A Review of the Constitutionality of Thermal Imagery Surveillance After *United States v. Elkins*.. 799

One Strike and You're Out: "Double Counting" and Dual Use Undermines the Purpose of California's Three Strikes Law 99

People v. Welch: A Missed Opportunity to Establish a Rational Rule of Competency to Waive the Assistance of Counsel... 603

CYBERSPACE LAW

Fair Use on the Internet: A Fine Line Between Fair and Foul..... 129

Our Data, Ourselves: Privacy, Propertization, and Gender 633

Recording Industry Association of America v. Diamond Multimedia Systems, Inc.: The RIAA Could Not Stop the Rio—MP3 Files and the Audio Home Recording Act 575

EDUCATION LAW

The California Backlash Against Bilingual Education: *Valeria G. v. Wilson* and Proposition 227..... 169

EMPLOYMENT LAW

Aguilar v. Avis Rent A Car System, Inc.: The California Supreme Court Takes a Divided Freeway to Content-Oriented Regulation of Workplace Speech 237

Mandatory Arbitration Clauses in Individual Employment Contracts After *Duffield v. Robertson Stephens & Co.*: A Note on *Armendariz v. Foundation Health Psychcare Services, Inc.*..... 765

ENVIRONMENTAL LAW

Fixed Anchors and the Wilderness Act: Is the Adventure Over? 355

EVIDENCE
Bad Physics and Bad Law: A Review of the Constitutionality of Thermal Imagery Surveillance After *United States v. Elkins*.. 799
Science Fact or Science Fiction? The Implications of Court-Ordered Genetic Testing Under Rule 35 295

FEDERAL LEGISLATION
Fixed Anchors and the Wilderness Act: Is the Adventure Over? 355
Recording Industry Association of America v. Diamond Multimedia Systems, Inc.: The RIAA Could Not Stop the Rio—MP3 Files and the Audio Home Recording Act 575

FIRST AMENDMENT
Aguilar v. Avis Rent A Car System, Inc.: The California Supreme Court Takes a Divided Freeway to Content-Oriented Regulation of Workplace Speech 237

FOURTH AMENDMENT
Bad Physics and Bad Law: A Review of the Constitutionality of Thermal Imagery Surveillance After *United States v. Elkins*.. 799

GENDER DISCRIMINATION
And Miles To Go Before I Sleep: The Road to Gender Equity in the California Legal Profession 1
The Perils of Race and Gender in a World of Legal Abstraction 523

GENETIC TESTING
Science Fact or Science Fiction? The Implications of Court-Ordered Genetic Testing Under Rule 35 295

HUMAN RIGHTS
Establishing an Affirmative Governmental Duty to Protect Children's Rights: The European Court of Human Rights as a Model for the United States Supreme Court 379

INTELLECTUAL PROPERTY
Fair Use on the Internet: A Fine Line Between Fair and Foul..... 129
Our Data, Ourselves: Privacy, Propertization, and Gender 633
Recording Industry Association of America v. Diamond Multimedia Systems, Inc.: The RIAA Could Not Stop the Rio—MP3 Files and the Audio Home Recording Act 575

INTERNATIONAL LAW
Establishing an Affirmative Governmental Duty to Protect Children's Rights: The European Court of Human Rights as a Model for the United States Supreme Court 379

LANDLORD AND TENANT LAW
San Francisco's Owner Move-In Legislation: Rent Control or Out of Control? 537

LAW AND SOCIETY
And Miles To Go Before I Sleep: The Road to Gender Equity in the California Legal Profession 1
Heterosexual Privilege and the Internal Revenue Code 465
Our Data, Ourselves: Privacy, Propertization, and Gender 633
The Perils of Race and Gender in a World of Legal Abstraction 523
The Voices of Silence: Cognition, Culture, and Racism 497
Whites Will Be Whites: The Failure to Interrogate Racial Privilege 419

LEGAL ANALYSIS AND WRITING
Beyond Brandeis: Exploring the Uses of Non-Legal Materials in Appellate Briefs 197

LEGAL EDUCATION
The Perils of Race and Gender in a World of Legal Abstraction 523

LEGAL PROFESSION
And Miles To Go Before I Sleep: The Road to Gender Equity in the California Legal Profession 1
Beyond Brandeis: Exploring the Uses of Non-Legal Materials in Appellate Briefs 197
The Perils of Race and Gender in a World of Legal Abstraction 523

MEDICAL JURISPRUDENCE
Failure to Disclose HMO Incentives and the Breach of Fiduciary Duty: Is a New Cause of Action Against Physicians the Best Solution? 733

PROPERTY
Reparation Payments—An Exclusion Revisited 705

PROPOSITION 227
The California Backlash Against Bilingual Education: *Valeria G. v. Wilson* and Proposition 227 169

RACIAL DISCRIMINATION
The Perils of Race and Gender in a World of Legal Abstraction 523
The Voices of Silence: Cognition, Culture, and Racism 497
Whites Will Be Whites: The Failure to Interrogate Racial Privilege 419

REPARATION PAYMENTS
Reparation Payments—An Exclusion Revisited 705

SEXUALITY AND THE LAW
And Miles To Go Before I Sleep: The Road to Gender Equity in the California Legal Profession 1
Heterosexual Privilege and the Internal Revenue Code 465
The Perils of Race and Gender in a World of Legal Abstraction 523

SCIENCE AND TECHNOLOGY
Bad Physics and Bad Law: A Review of the Constitutionality of Thermal Imagery Surveillance After *United States v. Elkins* .. 799
Science Fact or Science Fiction? The Implications of Court-Ordered Genetic Testing Under Rule 35 295

SIXTH AMENDMENT
People v. Welch: A Missed Opportunity to Establish a Rational Rule of Competency to Waive the Assistance of Counsel ... 603

STATE AND LOCAL GOVERNMENT LAW
One Strike and You're Out: "Double Counting" and Dual Use Undermines the Purpose of California's Three Strikes Law 99
San Francisco's Owner Move-In Legislation: Rent Control or Out of Control? 537
The California Backlash Against Bilingual Education: *Valeria G. v. Wilson* and Proposition 227 169

TAXATION
Heterosexual Privilege and the Internal Revenue Code 465
Reparation Payments—An Exclusion Revisited 705

TORTS
Failure to Disclose HMO Incentives and the Breach of Fiduciary Duty: Is a New Cause of Action Against Physicians the Best Solution? 733

WILDERNESS ACT
Fixed Anchors and the Wilderness Act: Is the Adventure Over? 355